

**REMARKS**

Upon entry of this Amendment, claims 1, 2, 4, 5, 7-15 and 17-20 are all the claims pending in the application. Claims 3, 6 and 16 have been canceled by this amendment.

**I. Allowable Subject Matter**

Applicant would like to thank the Examiner for indicating that claims 3, 6, 9, and 16-18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The limitations of claim 3 have been incorporated into base claim 1. Therefore, Applicant submits that claim 1 is in immediate condition for allowance. Claims 2 and 10-12 depend from claim 1 and are therefore patentable at least by virtue of their dependency.

The limitations of claim 6 have been incorporated into base claim 4. Therefore, Applicant submits that claim 4 is in immediate condition for allowance. Claims 5 and 13-15 depend from claim 4 and are therefore patentable at least by virtue of their dependency.

Claim 9 has been rewritten in independent form including all of the limitations of the base claim and intervening claim. Therefore, Applicant submits that claim 9 is in immediate condition for allowance.

The limitations of claim 16 have been incorporated into base claim 7. Therefore, Applicant submits that claim 7 is in immediate condition for allowance. Claims 8 and 17 depend from claim 7 and are therefore patentable at least by virtue of their dependency.

Claim 18 has been rewritten in independent form including all of the limitations of the base claim. Therefore, Applicant submits that claim 18 is in immediate condition for allowance.

## **II. Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 2, 4, 5, 7, 8, 10-15, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liukkonen et al. (U.S. Patent No. 6,230,214) in view of Smith (U.S. Patent 6,014,030).

Regarding claims 1, 2, 4, 5, 7, 8 and 10-15, Applicant has amended the claims as discussed above and, therefore, submits that these claims are in immediate condition for allowance.

Regarding claims 19 and 20, Applicant respectfully disagrees with the position taken by the Examiner. In particular, Applicant respectfully submits that the combination of Liukkonen and Smith fails to teach or suggest that the step of controlling the driving current of the light emitting element enables the light emitting element in the infrared communication section to output light.

The Examiner recognizes that Liukkonen does not teach the step of controlling a driving current of a light emitting element in an infrared communication function section. In an attempt to cure this deficiency, the Examiner applies Smith.

Smith discloses circuitry that cuts off all current drawn from a battery if a certain current threshold is exceeded (see column 3, lines 36-38). The Examiner asserts that this step of cutting

Amendment Under 37 C.F.R. 1.116  
U.S. Application No.: 09/643,765

off all current "limits" the amount of current drawn from the battery and, therefore, corresponds to the claimed feature of "controlling a driving current."

However, as Smith teaches cutting the battery out of the circuit, even if Smith was combined with Liukkonen, upon the current reaching a certain threshold, the current controlling feature of Smith would cut the battery out of the circuit, thereby rendering the infrared communication function inoperable.

Thus, the claimed feature of the current controlling step enabling the light emitting element to output infrared light is clearly not taught or suggested by the cited prior art. In direct contrast to the claimed invention, the current controlling step of Smith would prevent the light emitting element from outputting infrared light.

Based on the foregoing, Applicant respectfully submits that a prima facie case of obviousness has not been established for claims 19 and 20. Accordingly, Applicant kindly requests that the rejection be reconsidered and withdrawn.

If the Examiner maintains this rejection, Applicant kindly requests that the Examiner explain how the infrared communication function section of Liukkonen would be able to output infrared light utilizing the current controlling feature of Smith which cuts off all power to the device, so that Applicant may make an informed decision with regard to an appeal.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment Under 37 C.F.R. 1.116  
U.S. Application No.: 09/643,765

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Kenneth Fields

Kenneth W. Fields  
Registration No. 52,430

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

202-663-7905 → direct line

Date: October 30, 2003